

**§ 401.83 Reporting position at anchor, wharf, etc.**

A vessel anchoring in a designated anchorage area, or elsewhere, and a vessel mooring at a wharf or dock, tying up to a canal bank or being held on a canal bank in any manner shall immediately report its position to the vessel traffic controller and it shall not resume its voyage without the vessel traffic controller's permission.

**§ 401.84 Reporting of impairment or other hazard by vessels transiting within the Seaway.**

While transiting the Seaway, the master of a vessel shall immediately report to the nearest Seaway station:

- (a) Any condition of the vessel that might impair its ability to transit safely and expeditiously;
- (b) Any hazardous condition of the vessel;
- (c) Any malfunction on the vessel of equipment required by §§ 401.5 to 401.19 and subsections (e) through (j) of Schedule I of subpart A of this Part;
- (d) Any difficulty on the part of the vessel in controlling its tow or tows;
- (e) Any hazard, dangerous situation or malfunctioning aid to navigation which has not been published in a Notice to Mariners;
- (f) Any loss of anchor with particulars of the precise location of the loss; and
- (g) Any location where visibility is less than one nautical mile.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[45 FR 52380, Aug. 7, 1980, as amended at 47 FR 51124, Nov. 12, 1982; 61 FR 19552, May 2, 1996; 65 FR 52915, Aug. 31, 2000]

**§ 401.85 Reporting of impairment or other hazard by vessels intending to transit the Seaway.**

The master of any vessel which intends to transit the Seaway shall report to the nearest Seaway Station, prior to entering the Seaway, any of the conditions set out in paragraphs (a) through (d) of § 401.84.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[45 FR 52380, Aug. 7, 1980]

## DETENTION AND SALE

**§ 401.86 Security for damages or injury.**

An officer may detain a vessel that causes:

- (a) Damage to property of the Corporation;
- (b) Damage to goods or cargo stored on property of the Corporation; or
- (c) Injury to employees of the Corporation; until security satisfactory to the Corporation has been provided.

[39 FR 10900, Mar. 22, 1974, as amended at 65 FR 52915, Aug. 31, 2000]

**§ 401.87 Detention for toll arrears or violations.**

(a) An officer may detain a vessel where:

- (1) The tolls or charges levied against the vessel have not been paid; or
  - (2) A violation of these Regulations has taken place in respect of the vessel.
- (b) A vessel detained pursuant to paragraph (a)(1) of this section shall be released when the unpaid tolls or charges are paid.

(c) A vessel detained pursuant to paragraph (a)(2) of this section may be released when a sum of money in an amount, determined by the Corporation to be the maximum fine or civil penalty that may be imposed for the violation in respect of which the vessel has been detained, is deposited with the Corporation as security for the payment of any fine or civil penalty that may be imposed.

(d) Where a sum of money has been deposited pursuant to paragraph (c) of this section, the Corporation may:

- (1) Return the deposit;
- (2) Hold the deposit in trust as security for the payment of any fine that may be imposed; or
- (3) Retain the deposit if the depositor agrees to retention by the Corporation of the sum deposited.

(e) Although the depositor may have agreed to retention by the Authority of an amount deposited under paragraph (c) of this section, he may bring an action for the recovery of the amount deposited on the ground that there has been no violation of the regulations in this part.

[39 FR 10900, Mar. 22, 1974, as amended at 65 FR 52915, Aug. 31, 2000]